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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, for the use and ) CASE NO. 12-0236 DMR  
 benefit of: )  
 FRANCISCO GARCIA-GUTIERREZ; )  
 JOSE JESUS RODRIGUEZ; ) REQUEST TO CONTINUE CASE  
 PABLO BERNAL GARCIA; ) MANAGEMENT CONFERENCE;  
 TRUSTEES OF THE BRICKLAYERS LOCAL ) [proposed] ORDER RESETTING CASE  
 NO. 3 PENSION TRUST; TRUSTEES OF THE ) MANAGEMENT CONFERENCE  
 LOCAL NO. 7 PENSION TRUST; TRUSTEES ) AS MODIFIED  
 OF THE BRICKLAYERS LOCAL NO. 3 )  
 HEALTH AND WELFARE TRUST; TRUSTEES )  
 OF THE BRICKLAYERS AND ALLIED )  
 CRAFTS LOCAL NO. 3 APPRENTICE )  
 TRAINING TRUST; INTERNATIONAL UNION )  
 OF BRICKLAYERS AND ALLIED )  
 CRAFTSMEN, AFL-CIO, LOCAL UNION NO. 3, )  
 on behalf of itself and as agent for its members; )  
 TRUSTEES OF THE INTERNATIONAL UNION )  
 OF BRICKLAYERS AND ALLIED )  
 CRAFTSMEN PENSION FUND, )

Plaintiffs,

vs.

FMB MASONRY INC., a California corporation;  
 SWINERTON BUILDERS, a California  
 corporation;  
 FIDELITY AND DEPOSIT COMPANY OF  
 MARYLAND, a Maryland corporation;  
 OLD REPUBLIC SURETY COMPANY a  
 Wisconsin corporation,

Defendants.

Date: May 2, 2012  
 Time: 1:30 p.m.  
 Courtroom: 4, 3<sup>rd</sup> Floor  
 (Oakland)

Pursuant to this Court's Civil Local Rule 16-9 and FRCivP 16(b) Plaintiffs submit this Case Management Statement And Proposed Order.

The Plaintiffs respectfully request that the Court continue the Case Management Conference for 60 days, until June 27, 2012 for the following reasons:

Plaintiffs have settled their claims against Defendants Swinerton Builders and Fidelity and Deposit Company of Maryland. Plaintiffs are negotiating a settlement with FMB Masonry Inc. The contemplated settlement with FMB Masonry Inc., would also resolve Plaintiffs' claims against Defendant Old Republic Surety Company. Plaintiffs anticipate dismissing the entire action within the next 30 days. Should Plaintiffs be unable to resolve their claims against FMB Masonry Inc., and Old Republic Surety Company, Plaintiffs will need to amend their complaint. A 60 day continuance will allow Plaintiffs to sufficient time to draft, file and serve their First Amended Complaint should the matter not be resolved as anticipated.

Respectfully submitted,

Katzenbach Law Offices

Dated: April 25, 2012

By: /s/ Conor Mack  
Conor D. Mack  
Attorneys for Plaintiffs

### **[Proposed] ORDER**

The Court hereby orders that the case management conference set for May 2, 2012 at 1:30 p.m., is reset for ~~June 27~~, July 11, 2012 at 1:30 p.m. A case management statement shall be filed no later than ~~June 20~~, July 3, 2012.

IT IS SO ORDERED

Dated: April 26, 2012

